



# BENTON COUNTY ELECTION COMMISSION BOARD MINUTES

September 3, 2010

Present: E. J. Miller, Chairman  
Robert Balfe, Secretary  
Bill Williams, Member  
Amy Huston, Coordinator  
Sharon Rose, Staff  
Kim Umphres, Staff  
Kris James, County Clerk Office  
Tom Sissom, Press

The media was notified and Tom Sissom of the Benton county Daily Record attended.

Chairman E.J. Miller called the meeting to order at 10:02 AM.

Mr. Bob Balfe approved and signed the minutes of the August 27, 2010 meeting. Mr. Bill Williams moved to approve the minutes.

Miller asked Amy Huston for an up-to-date status on the September 21, 2010 School Election. Huston stated the election is on schedule and all testing has been completed. Huston also stated that early voting starts on September 14, 2010 with two (2) machines in Bentonville, one (1) in Rogers and one (1) in Siloam Springs.

Williams discussed the G&A proposal and that it was to be divided eight (8) ways; through the seven (7) school districts and NWACC in an even proportion. The G&A for the remainder for 2010 is \$10,000. Williams moved that this is how G&A be handled. Balfe and Miller did not see a problem.

Huston stated that the budget would be ready to discuss at the September 10, 2010 meeting.

Miller asked Huston to come up with a date for billing Siloam Springs election. Huston is still waiting on a couple of items and hoping to have final figures by September 10, 2010. Miller also stated that a G&A needs to be established. Williams stated that the purpose of the G&A is to recover the fixed cost of having an election commission. The policy is designed to accommodate those entities that would face a difficult burden financially if they were to pay the full amount. Siloam Springs is the fourth largest city in our county and \$10,000 is the GA expense. Williams suggested that be the billing and with the billing a cover letter. If they do think it is excessive, invite them to respond. Miller's concern was with the same amount of votes with Avoca would there be a problem. William stated that the number of votes was immaterial because G&A expense covers the overhead handling an election. In the case of Avoca, it was part of a primary election and the fixed cost was distributed through the entities in that primary election. In this case, the fixed cost is the same. Balfe agrees with G&A but is

201052938

2010 SEP 10 PM 1:27



concerned that \$10,000 is an excessive amount. Williams restated that they are paying for the presence of the commission. Miller's concerns was that the same problem will occur as Avoca and he has been contacted by two (2) JP's which have expressed that we will not charge Siloam Springs that amount money. Williams stated that from the beginning to make clear what the charges are for and if there are concerns, and then they have a right to appeal to the commission. Balfe will agree to \$10,000 but wants to ensure Siloam Springs is informed there is an appeal process and he would be receptive to anything they have to say. Huston will be preparing a billing and Miller would like commission to review before it goes out. Williams will have a letter prepared at that time.

Williams stated that the Avoca city officials were satisfied that we will be able to go forward and that the matter has been resolved. Huston spoke with Diane Bowen, and explained several items and she understood.

Huston stated that the November 2, 2010 election was on schedule and Miller added that in his opinion, be prepared for a run-off.

Williams reported that ES&S was not going to provide the commission with a pilot program. Williams did not feel the commission should proceed on this product. There are other products and vendors willing to partner with us and he will continue to work with the commission staff and clerk's office to make the poll books a reality. At this time the commission office is not going forward with ES&S. Williams suggested that the commission send a copy of the minutes to ES&S. Williams would like to keep the electronic poll book on the agenda at this time. Balfe suggested advising Richard McComas that the commission would not precede with the electronic poll books for the current budget. Williams agreed to speak with McComas.

Williams will inform Marsha Graham with the County that Pope County will borrow a 650 machine from the commission office. Pope County will have to bear expense to have machine moved. Huston asked ES&S to transport the machine to and from Pope County. Miller suggested that this be done in writing.

Huston stated that there are three (3) early voting locations at all county clerk's offices. Huston will work with Kris James in establishing satellite locations for the November General Election and report to the commission.

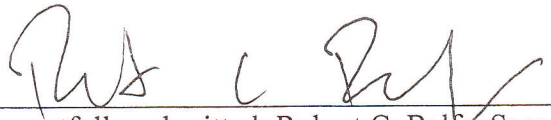
Commission Bill Williams requested that the Commission retire to Executive Session to discuss a personnel matter. Upon returning from Executive Session, Williams moved that the Commission declare a vacancy in the office of chairman. Balfe seconded the motion. Miller asked for a vote. Williams and Balfe said 'Aye' and Miller 'Nay'. Balfe nominated Bill Williams as chairman. Williams seconded. Williams and Balfe said 'Aye' and Miller 'Nay'. Bill Williams was elected chairman of the Election Commission.

Williams adjourned the meeting at 11:05 AM.

After the meeting was adjourned, Tom Sissom questioned whether the executive session was appropriate under the Arkansas Freedom of Information Act. Sissom stated that the Commission could only enter executive session to discuss personnel matters relating to employees. Williams stated it was his belief that what was discussed in executive session was allowable under the Arkansas Freedom of Information Act. Balfe stated that Arkansas Code Annotated §25-19-106 provides that executive sessions are permissible to discuss the appointment of public officers in addition to employees.

2010 2939

2010 SEP 10 PM 1:20

  
Respectfully submitted, Robert C. Balfe, Secretary

Prepared by Sharon Rose, Benton County Election Commission staff

2010 SEP 10 PM 1:21